REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. Claims 22-43 are rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22-43 are rejected Under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,097,490 (Reinhold). The applicant respectfully traverse these rejections.

35 U.S.C. 112 Rejection

Claims 22-43 are rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant believes that the claims as amended are in compliance with 35 U.S.C. 112. Therefore, this rejection should be withdrawn.

35 U.S.C. 103 Rejection

Claims 22-43 are rejected Under 35 U.S.C. 103(a) as being unpatentable over Reinhold. The applicant believes that one of ordinary skill in the art considering the Reinhold reference would not have come to the present invention.

Even if Reinhold teaches a process for resolving mixtures of enantiomers of 1-t-butylamino-2,3-dihydroxypropane using an agent selected from S- or R-pyroglutamic acid, or L- or D-tartaric acid, it does not teach nor suggest the manufacture of an enantiopure compound according to the present invention.

Example 1 of Reinhold describes the resolution of a racemic mixture of 1-t-butylamino-2,3-dihydroxypropane using S-pyroglutamic acid to give S-pyroglutamic acid. S-1-t-butylamino-2.3-dihydroxypropane which is common designation of a SALT.

The process according to the present invention, to the contrary, leads to the formation of a carbonyl bond **between the compound and the enantiopure amino acid reagent**, and uses therefore:

- a compound comprising at least one functional group capable of reacting with an activated

carboxyl group and

- an enantiopure amino acid reagent, in which at least one amino group is protected by a sulfonyl group and at least one carboxyl group is activated.

Separation of enantiomers by formation of a carbonylic bond though reaction of an activated carbonylic group is a technology which is radically different from the salt formation approach that is detailed in Reinhold. Reinhold provides no teaching pointing to reaction to form a carboxyl bond and does not contain any hint to the instantly claimed sulfonyl protective group, which allows for particularly efficient recovery of the enantiopure reagent. Therefore, the present invention is thus non obvious in view of Reinhold.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

A one month extension has been paid. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05129-00120-US from which the undersigned is authorized to draw.

Dated: January 21, 2008

Respectfully submitted,

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